[Rollcall Vote No. 153 Ex.]

YEAS—74

Alexander	Gardner	Murray
Barrasso	Graham	Nelson
Bennet	Grassley	Perdue
Blunt	Hassan	Portman
Boozman	Hatch	Reed
Burr	Heinrich	Risch
Cantwell	Heitkamp	Roberts
Capito	Heller	Rounds
Cardin	Hoeven	Rubio
Carper	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott
Collins	Isakson	Shaheen
Coons	Johnson	Shelby
Corker	Jones	Smith
Cornyn	Kaine	Tester
Cotton	Kennedy	Thune
Crapo	King	Tillis
Cruz	Klobuchar	Toomey
Daines	Lankford	Udall
Donnelly	Manchin	Van Hollen
Durbin	McCaskill	Warner
Enzi	McConnell	Whitehouse
Ernst	Moran	Wicker
Fischer	Murkowski	Young
Flake	Murphy	

NAYS—25

Baldwin	Harris	Sanders
Blumenthal	Hirono	Schatz
Booker	Leahy	Schumer
Brown	Lee	Stabenow
Casey	Markey	Sullivan
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Wyden
Feinstein	Paul	
Gillibrand	Peters	

NOT VOTING—1

McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 74, the nays are 25.

The motion is agreed to.

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Connecticut.

NOMINATION OF BRETT KAVANAUGH

Mr. BLUMENTHAL. Mr. President, we are at a crossroads, a historic turning point for the U.S. Supreme Court and our country. This body is often called upon to consider court nominations for the district courts and the courts of appeals, but we are at an extraordinary decision point for the U.S. Supreme Court—the highest Court in the land, a branch of government that can shape the law and culture of this country for generations to come.

When we are called upon to consider a Supreme Court nominee, ordinarily we have to read tea leaves. Ordinarily we have no way to know with certainty the values and beliefs that someone will bring to the Court. Ordinarily Presidents make every effort to persuade us that their nominees were picked on the basis of merit, not ideology. So ordinarily we look forward to hearing what nominees tell us about their beliefs and values, since they are unknown when we first hear their names.

We live in times that are the opposite of ordinary. These are not ordinary times. We live at a time when there is, right before our eyes, an ongoing assault on the rule of law in this country, coming from the President of the United States on down. We live at a time when the courts are critically important to our democracy because they are a bulwark for fundamental rights and liberty, and when the history of this era is written, I believe that our judiciary and our free press will be the heroes because they stood between the President defying the law and preserving those key freedoms and rights that are foundational to our democracy.

What we know about the President's nominee for the highest Court in the land—the most important to that effort against this assault on the rule of law—is that he will ''automatically'' vote to overturn Roe v. Wade. We know that he will vote effectively to eliminate the Affordable Care Act and to undermine protections for millions of Americans who suffer from diabetes, obesity, alcohol abuse, addiction to opioids, stroke, Parkinson's, and many other preexisting conditions. Millions of Americans suffer from those kinds of sicknesses, including more than 500,000 Connecticut residents. We are a State of about 3.5 million people, so you can do the math. There are a lot of Americans who suffer from preexisting conditions.

We know these facts because we have heard them from none other than the President of the United States, who said that his nominee would automatically overturn Roe v. Wade and who berated Chief Justice Roberts for upholding the Affordable Care Act in his decisive swing vote. When a President tells you he is trying to eliminate basic legal rights and liberties for the people of the United States, you better take him at his word, and I do. But in this case, actually we need not take the President at his word because we can review the facts—in fact, the circumstantial evidence surrounding this nomination.

The President has allowed himself to become a puppet of rightwing fringe groups—the Federalist Society and the Heritage Foundation, which have been trying to strike down Roe v. Wade and overturn it for decades. As one recent news story put it, if you want a seat on the Supreme Court, the man to see is not Donald Trump; it is Leonard Leo, the executive vice president of the Federalist Society.

Leonard Leo and the Federalist Society have made clear their desire to overturn Roe v. Wade for years, and Mr. Leo's friend, Ed Whelan, brags about Leo's efforts, stating: ''No one has been more dedicated to the enterprise of building a Supreme Court that will overturn Roe v. Wade than the Federalist Society's Leonard Leo.''

The President of the United States outsourced this decision to the Federalist Society and other groups long intent on overturning Roe v. Wade. They produced for him a list. He selected from that list, and the rest is an unfortunate, deeply tragic chapter in American history.

The Heritage Foundation has been vehement in its desire to overturn and strike down the Affordable Care Act and deny many Americans access to health insurance. It has fought to end protections for people who suffer from these conditions, and they are not only the ones I have mentioned but also many others that are common throughout our society. Its efforts to shape the Supreme Court are a part of a conscious, concerted strategy in a war on the ACA.

Perhaps as troubling as any other fact about this nominee, to many of us who have seen the horrific, unspeakable effects of gun violence, Judge Kavanaugh is the dream candidate of the NRA. He has taken the view that almost all commonsense, sensible measures to stop gun violence violate the Constitution.

He is the dream pick of the NRA. He is a nightmare for the students of Parkland, the survivors of Orlando, Columbine, San Bernardino, and all of the mass shootings, including Sandy Hook, and all of the victims and survivors, their loved ones, families, and friends, who know the tragic effects of those 90 people gunned down every day in America. Those 90 victims every day in this country who die as a result of gun violence bear witness to why we should reject this nominee.

Just minutes after Judge Kavanaugh's nomination was announced, the NRA endorsed him, showering praise on his extreme record against gun safety. As an appellate judge, Judge Kavanaugh heard the sequel to Heller, a case regarding the constitutionality of the District of Columbia's gun registration requirement and semiautomatic assault rifle ban. On a panel of all Republican appointees, Judge Kavanaugh was the only judge to vote to strike down both gun safety measures as unconstitutional.

His basic premise is that gun laws have to be similar or identical to laws that he considers ''traditional'' or ''longstanding.'' He rejects bans on assault weapons and gun registration requirements. He has no clear definition of what is ''longstanding'' and enables a statute to be upheld. But consider his logic. He has, in effect, ruled out any statute that bears no resemblance or connection to laws on gun violence on the books in 1789. That is a breathtaking concept of the constitutional test that should be applied to measures against gun violence.

The Founders almost certainly never considered the possibility of universal background checks at a time when it might have been impossible to do it anyway and when the kinds of firearms available were very different than they are now. By Judge Kavanaugh's logic,

Congress would seemingly be prohibited from requiring universal background checks, even though more than 90 percent of all Americans want them on the books.

That is a radical view, even for the far right. Should Judge Kavanaugh be confirmed to the U.S. Supreme Court, you can say good-bye to a slew of gun safety measures around the country in States like Connecticut, California, New York, or, now, Florida. Many other States are realizing that they should be on the right side of history and the right side of the American people and adopt commonsense, sensible measures. They would be struck down by the logic that Judge Kavanaugh would bring to the Supreme Court. We would have fewer safeguards against the scourge of gun violence.

There is now one mass shooting every day and 90 deaths every day in America. This country is in the midst of an epidemic of gun violence—a public health emergency. With Judge Kavanaugh as a member of the Nation's highest Court, this epidemic would continue unabated.

This nominee is part of a concerted, coordinated effort to roll back the clock, to take the Nation back to a time—one of our darkest eras—when abortion was criminalized, when women died and they were denied access to contraception and the morning-after pill, when Americans were denied healthcare because of those preexisting conditions, and when civil rights, LGBT rights, voting rights, and workers' rights were largely ignored.

That prospect is frightening. For President Trump, the nomination of Judge Kavanaugh is about more than just undermining or eviscerating these fundamental rights. It is about undermining and eviscerating the rule of law.

Judge Kavanaugh has written that the President can refuse to enforce a law if he believes that it is unconstitutional—if he alone believes it is unconstitutional—even if that law was duly passed by Congress and upheld by the courts. He has written that special counsels—like Robert Mueller, who is investigating the President—should be appointed only by the President and should be removable by the President. Under that rule, Robert Mueller never would have been appointed as special counsel, and the President would be able to fire him for no reason at all—except that he is investigating the President.

Finally, Judge Kavanaugh has written that the President should not have to deal with those responsibilities or burdens that the rest of us, ordinary Americans, fulfill. A President under Judge Kavanaugh's rule could not be investigated or indicted, could not be held accountable under the law, and would not have to respond to a civil suit, a subpoena, or a request to be investigated by law enforcement. He need not be interviewed by the FBI or cooperate with law enforcement because under Judge Kavanaugh's concept the President is above the law. Nothing is more fundamental, no principle more sacrosanct in this country—no one is above the law. No President. No one is above the law.

A President who has demonstrated unprecedented disdain for the rule of law has nominated a Justice who will tell him he can ignore the law. A President who has fought tooth and nail against the special counsel's investigating some of the most serious crimes has nominated a Justice who would allow him to fire the special counsel at will for no reason. A President who faces not only the prospect of indictment but an ongoing civil suit brought by nearly 200 Members of Congress—I am proud to be leading them—for his violation of the chief anti-corruption provision in the Constitution would be declared above the law, immune from lawsuit and accountability.

We are going to continue with that lawsuit to make sure that the President obeys the Constitution and comes to Congress for consent before he accepts the payments and benefits in the hundreds of millions of dollars that he is doing every day. Judge Kavanaugh would absolve him of accountability.

These are no ordinary times. In the coming days, I will be speaking out on other areas where Judge Kavanaugh would undermine the rights of everyday Americans and put the rights of corporations and special interests above them.

Judge Kavanaugh would prevent Congress and the States from passing commonsense gun violence laws that will save lives. He would invalidate a slew of existing laws in States across the country, and he would leave powerful corporations to prey on consumers, workers, and anybody who wants to breathe clean air or drink clean water.

These prospects are not imaginary or abstract. Read his opinions and his writings. In one area of law after another, Judge Kavanaugh poses a clear and present danger to our fundamental liberties, to effective government, and to the rule of law. To the people who say to me ''What can we do?'' our challenge is a call to action. It is to mobilize and galvanize America, just as we did during the healthcare debate, when they said the Affordable Care Act would be repealed, and we mustered Americans' sense of outrage and alarm.

I say to the students of Parkland who spoke so eloquently and movingly, your time has come; to the patients who came to my townhalls in Connecticut and spoke so powerfully about their fear of what would happen to them and their insurance coverage if preexisting conditions were declared in violation of those insurance policies, your time has come; to all who care about civil rights and civil liberties, workers' rights, and gay rights, your time has come. We need to hear your voice here, just as we did during the healthcare debate, as powerfully and eloquently. The challenge is yours in stopping this nomination, as it is our responsibility to demand specific answers that this nominee recuse himself from any consideration of the President's financial dealings or the special counsel and to reject the phony platitudes and the evasive and vague answers that have been accepted before, because we know that the old platitudes adhering to settled precedent is meaningless. We do not live in ordinary times. We need extraordinary efforts to make sure that the U.S. Supreme Court remains faithful to the rule of law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I definitely agree with one thing that my friend from Connecticut just said, which is that there is a long record here on the President's nominee. It is a record I want to look at. It is a record I want to be sure that I talk about to the people I work for as we go through this process. In this process, we will have some time. My guess is it will take about the same amount of time that it has taken for the last two nominees, which means sometime in the month of September, in all likelihood, we will be on the floor, voting, and we will see where that vote takes us.

A lot of people have jumped to a lot of conclusions here. It wasn't my friend Senator BLUMENTHAL at all, but somebody had a news release yesterday at a news conference I was in. One of our fellow Senators had, apparently, gotten it out a little too quickly. The news release read that Supreme Court nominee XXX is the most extreme candidate that the President could have possibly picked. Another one of our colleagues said yesterday that he didn't care who the President nominated but that he wouldn't be voting for him. We are going to hear a lot of that over the next few weeks.

At least going back to 1975, I think every single Republican nominee has supposedly been the nominee that would bring an end to so many things that people have tried to focus on when these nominations have come up. With Gerald Ford's nominee in 1975, who turned out to be Justice Stevens, these exact same things were said then. I don't know that it is what the President said during the campaign that matters as much as what the nominee will say during the next few days.

I do know of the job the nominee currently has. I want to talk to him, and I want to look at the record. I want to visit with him about his philosophy personally before I reach a final conclusion. I do know the job that Judge Kavanaugh currently has is often cited as the second most significant court in the country, the DC Court of Appeals. I do know that his 100 most often cited opinions have been cited by more than 210 judges around the country. I do know that the Supreme Court has endorsed his opinions of the law at least a dozen times and has adopted them as the opinions of the Supreme Court.

Remember the way this works with the job that Brett Kavanaugh currently has as a circuit judge with the court of appeals. Unlike all the others, it is the court that often has the real jurisdiction over a constitutional case. So there have been lots of cases, and we will be looking through the 12 years of what he has done as a judge.

I know there are some requests to see every piece of paper that Brett Kavanaugh had in his hands when he was the Staff Secretary, the Assistant to the President, when George W. Bush was President. That would be every piece of paper that had gone to the White House. Yet the job of the Staff Secretary is not to have an opinion on those pieces of paper. In fact, he is probably the highest level official appointed by the President in the White House whose job it is not to have an opinion but to facilitate the work, to get the paper to whom it needs to go. I suppose we could get, virtually, every piece of paper from the National Archives and the George W. Bush Library. That is possible but not necessary and not justified.

What is justified is to look at all of these opinions. What is justified is to look at the individual, to look at what he does on the court, to look at what he does in the community, to look at his opinions. These are, without any question, important responsibilities not just for the President but for the Senate.

Once again, Americans are reminded that it matters who is in the Senate. It matters who composes a majority in the Senate. My guess would be, in 2½ months or so from now, that a majority of votes will be cast for Judge Kavanaugh, that they will be bipartisan in nature, and that he will go to the Court, probably, before its new term begins on October 1. In fact, that should be one of our goals here—to have a Justice in place by that time.

Three of the current Justices on the Court, by the way, were put on the Court in an election year, in an off year—Justice Kagan in 2010. It was almost exactly analogous. A Democratic President and a Democratic Senate put a Democratic nominee on the Court who had, by the way, worked at the White House. The only difference was there was not as large a body of work to demonstrate the commitment we would hope to find to the Constitution and the law.

In my mind and, I think, in the minds of a vast majority of the people I work for, the goal of a Federal judge and a Supreme Court Justice is to judge a case based on the law and the Constitution. It is to look and be sure that those match up and to be sure that the law is applied as it is written, not as a judge thinks it should have been written. It is to be sure the Constitution is applied as it is written, not as a judge thinks it should be amended. There is a way to pass a new law, and there is a way to amend the Constitution, but that is not to be done by the Court.

It seems to me that in the Scalia tradition and in the Gorsuch nomination tradition, we have a judge here who appears to be committed in every way to looking at the law and enforcing the law. I think it was Judge Scalia who said and others who have said that good judges are often not happy with the opinions they have to render because the opinions they have to render are based on the facts of the cases and may not be the way they would have liked the cases to have worked out at all. It is not their job to decide how they would like the cases to work out. The job of a judge is to judge the application of the law and the application of the Constitution.

Seven Justices, including our most recent nominee to the Court, Justice Gorsuch, served as law clerks on the Supreme Court. If he is confirmed, Judge Kavanaugh will be the eighth. His background, his training, and his work as a circuit judge appear to qualify him in a significant way. He was a Supreme Court clerk for Justice Kennedy.

We ought to understand what is happening here. Justice Kennedy has been on the Court for 30 years. He filled a vacancy that was created in 1987. He served on the Court for 15 years after the person who nominated him to the Court had died. Talk about a long-term impact of both the President who nominates and the Senate that confirms. Three decades of impact on one of the branches of government is pretty substantial.

In addition to being the clerk for Justice Kennedy, Judge Kavanaugh was, as I said, not only in the private sector but, for 5 years, served in the Bush administration. Probably the most important job he held in that administration was, simply, of seeing that things got done in an orderly way to produce a result. In 2006, President Bush nominated him to serve on the DC Court of Appeals. Twelve years later, we are here today.

Judge Kavanaugh's opinions are cited by judges around the country. Again, the Supreme Court has endorsed his opinions at least a dozen times. He has written that the judge's job is to interpret the law, not to make the law or to make policy. It is to read the words of the statute as written and to read the text of the Constitution as written, being mindful of history and tradition—an important point. It is to be consistent with the law and the Constitution and to read the text of the Constitution as written while being mindful of history and tradition. Don't make up new constitutional rights that are not in the text of the Constitution. Don't shy away from enforcing constitutional rights that are in the text of the Constitution. That is in one of his many writings, and we have lots of things to look at here.

Since 2009, he has been the Samuel Williston Lecturer in Law at Harvard Law School. In addition to being a brilliant legal mind, he is devoted to his community and, as we saw the other night, to his family and to his faith. He spends his time coaching youth basketball and serving as a church volunteer, as well as mentoring in local schools. His mom was a schoolteacher and went to law school while she was a schoolteacher and, eventually, became a judge. He takes these qualifications to the Court.

I think this is an important part of our job—to advise and consent. Yet we have a lot of people who have rushed to a determination that they absolutely would not be for Judge Kavanaugh. I think a majority is likely to come to the determination that we should be for Judge Kavanaugh.

I look forward to visiting with him over the next few days. I look forward to learning more about his philosophy as a judge and how he thinks the Supreme Court would be different and how his job there may or may not vary from being on that second-most important court in the country. My guess is he will say that it doesn't vary at all. The job of a Supreme Court judge, just like the job of a court of appeals judge, is to apply the Constitution, apply the law, and not try to make the law or to rewrite the Constitution. I look forward to that opportunity. I look forward to looking at many of the judge's opinions.

I noticed two Pinocchios in the Washington Post today about one of the cases that has already been brought up—the determination of this argument about the right way to deal with a President while he is in office—certainly not a nuisance lawsuit. If the topic of a lawsuit is wrong, if it is the wrong thing for the President to do, there is clearly a way to remove the President.

That is the point, I think, in what will be a much discussed law journal article that Judge Kavanaugh was making. He didn't suggest that the law now prohibited a President from being indicted. He just said that there is a constitutional way to return a President to the status of a private citizen, and then the President will have all of the same vulnerabilities that a private citizen would have if 200 Members of Congress filed a lawsuit. There is a place in the Constitution that says what 200 Members of the Congress should do if they think the President should be removed. That place in the Constitution does not say you should harass the President all you can about everything you can whenever you can.

It is going to be an interesting debate for the American people. Once again, they are going to be reminded as to how important the courts are, as to the incredible impact of the appointing power and the nominating power to the Federal courts, and of the partnership responsibility and important impact that the U.S. Senate has.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I, along with the rest of the Senate, look

forward to going through the process with Brett Kavanaugh, who is an exceptionally qualified judge. He has been described as a judge of judges. He is one to whom judges look around the country to see what he has written and what his opinions have noted. In fact, historically, the Supreme Court has also looked to his opinions on the circuit court and has taken high notice of those and has quoted several of his opinions verbatim in Supreme Court opinions.

This person has had a lot of respect for what he has done and how he has done it in the process. I have enjoyed getting a chance to meet his family and to have been introduced to not only his personal faith but to his passion for people and his work with the homeless and other things that he has done for so many years.

This will be an interesting process. Over the next 2 months or so, this body should do as it has done before with Justice Gorsuch and Justice Sotomayor—about 66 days for both of them as we worked through their nomination processes until we actually got to the final votes.

We will see how this goes in the days ahead. I look forward to getting a chance to visit with Judge Kavanaugh in my office in the days ahead to ask him specific questions. I am reserving judgment on him until I have the opportunity to visit with him personally and to finish going through all the opinions he has written.

He seems like an exceptional candidate. I look forward to walking through this process judiciously.

IMMIGRATION

Mr. President, I did want to mention today, though—and to step back a little bit from the immigration conversation—there are a lot of issues with immigration that we deal with on a regular basis, but it is more conversation than it is solutions.

It has been my great frustration that we talk about H–2B visas, refugees in asylum, talk about overstaying visas, temporary protective status, illegal entry, quotas and diversity lottery, and families. We don't ever seem to resolve the issue. We talk about it.

The great frustration is, many of the issues we deal with right now on immigration are a direct result of Congress not fixing the issue. My encouragement to this body is to stop pointing the finger at the President and ask a very simple question: Why is there conversation about a zero tolerance policy and what does that really mean?

In its most simple form, I think we could agree that if someone illegally crosses the American border into the country, they should be stopped and at least asked: Who are you? Why are you here? Because in the last year, 1.1 million people became legal citizens of the United States. They made legal applications, worked through that process, received a green card, were evaluated with background checks, and became citizens of the United States.

Today, on the southern border between Mexico and the United States, there will be half a million legal crossings into the United States. The question is, for individuals who illegally cross the border, should we stop those individuals and ask: Who are you? What are you doing here? Why are you crossing into the country? Because not every person crossing into the country is just crossing for work that we would consider good work.

Today, U.S. Customs and Border Protection released an announcement that the officers referred a 38-year-old male for further inspection as he crossed into the United States. Following a positive alert from a K–9 unit, officers seized 21 pounds of cocaine from the vehicle's firewall. Not everyone who is entering the country is coming for a legal reason. Not everyone who is crossing our border is coming just to work. So the zero tolerance policy is really a question of should we stop individuals to evaluate someone who is illegally crossing the border—not one of the half a million people today who will legally cross the border? If you are one of the individuals not crossing the border legally, should we stop you, and should we prosecute you?

Previous administrations used what they called prosecutorial discretion. They have taken folks in, and they released them into the country until they determined who to prosecute and who to not prosecute. This administration has stepped up and said: Let's take a moment where we are going to prosecute everyone and try to slow down the process.

There has been a noticeable increase in something that a lot of people have not noticed, and that is the number of families coming across the border. Why would that be? It is not just individuals crossing the border as a family. It is individuals who are bringing children with them to cross the border because they have been treated differently over the past several years.

Over the first 5 months of this fiscal year, there has been a 315-percent increase in apprehensions of groups fraudulently claiming to be families. Let me run that past you again. This year, in the last 5 months, there has been a 315-percent increase in apprehensions of groups who fraudulently claim to be families—not a 315-percent increase in families. These are smugglers who bring a child with them because they know if you bring a child with you, then you are treated differently at the border. Historically, you have been released.

This administration has said to stop this. We are going to start prosecuting and try to figure out who is actually a family, who is not a family to figure out how to prosecute them because there has been such a dramatic change. The numbers are just increasing for family units that are coming.

Let me run some of the numbers past you. According to Customs and Border Patrol, there is a 407-percent increase in the number of family units detained in June 2018 compared to June 2017. In May, it was a 600-percent increase. In April, it was an 863-percent increase. We are seeing a dramatic shift in the number of units that are coming at us.

No matter your view on immigration reform, increases of this kind of magnitude should cause us to slow down and ask simple questions. Are the loopholes in our law and the prosecutorial discretion to release families to show up later for a hearing causing more individuals to pretend to be families or more families to come? I think it is causing more individuals to come who are coming not as a family unit but who are pretending to be a family unit, though we also have, obviously, family units that are coming as well.

A key issue we need to address is pretty straightforward. Of the 1 million-plus people who come here legally, should we have greater respect for those individuals who have gone through the legal process? I believe we should. In fact, I had a small townhall meeting in Lawton, OK, just last week. There were lots of questions about keeping families together. I am one of those individuals who says, as often as we possibly can, the default position should be keeping families together, but for those individuals who were at this meeting in Lawton, all the questions were about what are we doing about immigration. How are we handling this? How are we prosecuting this? Are we treating people humanely? Those are reasonable questions for us as Americans.

At the very end of the townhall meeting, one gentleman asked me: What about legal immigration? He asked it in a very specific way. Are there issues we should deal with, with that?

I followed up with him and asked: Why do you ask that?

The reason he asked that is because he is a legal immigrant. He went through the process and is in his final stages. In fact, just the week before, he had received his green card. He is a little frustrated with people who are treated differently—who came into the country illegally versus people who are actually doing it the right way.

It has been interesting to me to watch this whole movement about abolishing ICE and saying maybe we shouldn't have ICE enforcement at all—no immigration and customs enforcement at all. The entity was created after 9/11 because the 9/11 terrorists were individuals who came into the country, overstayed their visas, and they were not stopped. ICE was created to help us with our immigration enforcement because we had just been penetrated by a group of individuals who were terrorists and killed thousands of Americans.

After that was created in 2003, there is now this big movement, as if we have lost all we have learned since 2001. Now there is a whole group saying maybe we just need to abolish ICE entirely.

Let me run through a few things on that. Last year, ICE seized 2,370 pounds of fentanyl. That may not seem like a lot—just over a ton of fentanyl that they seized—but according to the DEA, 2 milligrams of fentanyl is a deadly amount to take in. Fentanyl is laced into heroin or into cocaine to dramatically increase the high, but if you have up to 2 milligrams of it, it is not going to increase your high. It will kill you.

The amount of fentanyl that ICE seized last year is a deadly dosage amount for just over 537 million people; 537 million people could have been killed with just the amount of fentanyl that ICE seized last year. On top of that, ICE agents seized almost 7,000 pounds of heroin, and a total of 1 million pounds of narcotics were seized just in 2017.

We also know that ICE freed 518 victims of human trafficking. They freed 904 children from child exploitation. They picked up 800 MS–13 gang members as an arrest, and almost 5,000 gang members were taken off the street just by ICE.

We hear a lot about ICE raids, as if ICE is wandering around neighborhoods looking to pick people up. I would like to remind folks, the majority of what ICE does is detain individuals at the border. In fact, last year, ICE agents removed 62,913 more people who were detained at the border than arrested in the United States.

ICE agents are law enforcement. They are enforcing the law of our country. It is quite remarkable to me to hear some people, even in this Chamber, discuss with seriousness abolishing Federal law enforcement that is taking human traffickers off the street, has taken gang members off the street, that is taking legal doses of fentanyl off the street, and taking tons of narcotics off the street. Why don't we show them some respect?

If there are things that need to be done to reform it, the ICE agents would be the first ones to step up to this body and say: Here are some ideas and things that can be done to reform it. Abolishing ICE is a ticket to lawlessness in our country.

As a reminder, the President asked Congress 21 days ago to enact legislation that would allow families to stay together. This Congress has failed to act on that at all. As we all know, over the course of 1 month, roughly 2,000 children were separated from their parents and placed in HHS custody while the parents were referred to the Department of Justice for prosecution. A great deal of attention, rightly so, has been focused on HHS to ensure that those children are reunited with those parents, especially those children under age 5. To do this, HHS has to first verify that adult is actually the parent of that child. As I mentioned before, just in the first 5 months of this fiscal year, there was a 315-percent increase of family units coming in that pretended to be family units but are really not family units.

I heard a lot of criticism saying put that adult back with that child again. This should be easy, but it is not that simple. Many of those adults who came with that child are really not their parent. They were using them as a vehicle to get easy access into the country.

What does that really look like? Well, let me give you a couple ideas on this. As we talk through the different numbers that are related to some of these children and how many of these children were connected or not connected with the adults who were with them, let me give you a few of these stats: Of those children who are 4 and under, 14 of those are not eligible for reunification because their parents have major issues—or those individuals claiming to be their parents.

Let's just talk about the people who are parents whom we know are parents. Eight of those parents had serious criminal history discovered when they did the background check, including child cruelty, narcotics, and human trafficking. One had a warrant for murder and robbery. So as Americans, we are not reconnecting those eight. Five adults were found not to be the parent of the accompanying child at all. These were of the children 4 and under. One of those individuals faced incredible evidence of child abuse in the process. We are not reconnecting those.

I hear a lot in the news of individuals saying every one of those folks needs to be reconnected as fast as possible. I hear a lot of criticism, saying they are doing DNA testing of these individuals. They are trying to figure out if that adult is really the parent of that child or has that adult picked up a child somewhere through Mexico or Central America to use them as a tool to try to get into the United States? I only wish that wasn't happening. It is.

Reconnecting families is a major priority. I said before, and would say it again, our default position should be keeping families together, but part of our struggle is determining who are the actual families we can keep together and who are individuals who could very well do that child harm?

So let's do this: Let's keep the attention on the reunification of families. Let's continue to ask very fair and reasonable questions of the administration as they are reconnecting these families. But let's also make sure this Congress actually acts on the issues that need to be addressed on immigration.

Twenty-one days ago, there was a request in this body to deal with the issue of family reunification. It still has not been acted on.

In February of this year, this body had a vote on dealing with what is called the Flores settlement. That is what causes the separation of these families. It is a settlement that goes all the way back to 1997. Every single administration since 1997 has struggled with the Flores settlement because the Flores settlement says that if you arrest a family illegally entering the country, the children of that family can be detained for only 20 days. That sounds reasonable, except that, on average, it takes 35 days just to have a hearing. So since that settlement all the way back in 1997, every administration has said: I either have to separate families, or I have to release those families into the country and hope they show up for a court hearing at a future date.

By the way, we called and checked on some of the future court dates. If you are in line to get a court date—if you are released into the country and told to come in for a court date—the longest period of time that you will wait, depending on the region you are headed to, is 4 years and 2 months from now. That is the next available date. So as a family unit, you are released into the country for 4 years, and then we hope you show up for your court date 4 years from now.

This body knows all these numbers, and we have not acted to solve the problem. We need to address these issues. We need to be a country that continues to be open to legal immigration. We need to be a country that is open to workers—even workers who cross the border on both sides, north and south. We need to be a nation that deals with things like H–2B visas and asylum and refugees. We need to continue to keep the promise that we are a nation built on a set of values and the American dream that says: If you want to come and live under the law and live in a land of freedom, where you can become anything you want to become, you are welcome to be here if you come legally.

We need to be that Nation, but we also need to not just ignore illegal immigration and assume there aren't real problems with gang violence, the movement of drugs, human trafficking, and child-trafficking, because they are real. Is it every family who comes across? Absolutely not. But are you OK with it happening at all? What if it is 1 in 10 who is child-trafficking or drug-smuggling? Is that an acceptable number, or should we know the people who are crossing the border and know the issues that are there?

We can do better than this. Let's solve this. Let's keep the debate going, and let's actually resolve this in the days ahead.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Mrs. GILLIBRAND. Mr. President, I rise to speak in opposition to President Trump's nominee to the Supreme Court, Judge Brett Kavanaugh.

In my home State of New York, more than 8 million people have health problems. That is almost half my State. They are living with diabetes. They have had treatment for cancer. They have a childhood disease.

Before the Affordable Care Act became law, if you had a health problem and you needed to see a doctor, health insurance companies were allowed to make you pay much more. The health insurance companies were allowed to turn you away. They were allowed to tell you ''Sorry, you are not profitable for us because you are sick,'' and they did it many times. Let's not forget that included women who were pregnant.

But they can't tell them that anymore because of the Affordable Care Act. The Affordable Care Act made that simple statement illegal.

Now insurance companies must cover you if you are sick. They must cover you if you have had a health problem in the past. And millions of Americans are better off now because of that fact.

So what does this have to do with the Supreme Court? President Trump has made it clear that one of his biggest goals as President is to destroy the Affordable Care Act. He has already tried hard to get Congress to repeal the law, and luckily for us, he failed. He failed because people don't want their health insurance taken away from them. It is really that simple.

Millions of Americans raised their voices and told Congress that if the Affordable Care Act were repealed, they would lose their insurance, and that would be devastating for them and their families. And Congress listened to them.

But now there is a new challenge to the law in Federal court, and the Trump administration is refusing to defend the Affordable Care Act.

When this case makes it to the Supreme Court in a few more years, then the next Supreme Court Justice could be the deciding vote on whether the Affordable Care Act is overturned. That means the next Supreme Court Justice could have the power to decide that insurance companies don't have to cover patients anymore if they have a health problem. He could have the power to decide that insurance companies don't have to cover you or your child anymore if your child is sick.

Healthcare costs in my State have already skyrocketed because of the fact that the Trump administration has attacked this law over and over again. But repealing the law would be absolutely devastating to so many families. More than 8 million New Yorkers could lose their health insurance or pay more for their coverage. So would millions more all across the country. I am very concerned that is exactly what Judge Kavanaugh would do if he were given this opportunity.

Just look at his record. When Judge Kavanaugh had a case before him that was attacking another part of the Affordable Care Act, he dissented in the case, and he said that even though the Affordable Care Act requires employers to cover birth control medicines for their workers, they shouldn't have to do it if they don't want to. He even took it so far as to say that if the President doesn't like a law—if the President doesn't like a law—then the President could ignore the law and ignore the courts.

Listen to this one opinion. This will interest the Presiding Officer, I am sure. Tell me if you think this is sound judicial judgment. He wrote: ''Under the Constitution, the President may decline to enforce a statute that regulates private individuals when the President deems the statute unconstitutional, even if a court has held or would hold the statute constitutional.''

Anyone with the most basic understanding of how the constitutional system of government works in this country knows that this is not what our Founding Fathers intended.

If this judge is confirmed, then there is a dangerously high likelihood that he will strike down the Affordable Care Act.

We must not go back to the days when an insurance company could charge a person more just because they have health problems. We cannot go back to the days when an insurance company could say no to a patient because they could say: You are just not going to make us enough money.

We must listen to our constituents—listen to the millions of men, women, and children all across this country who need access to basic healthcare, and they cannot afford to lose their insurance.

We must reject this nominee.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVOIR PROJECT IN FLORIDA

Mr. NELSON. Mr. President, I received very good news for Florida this morning. The Army Corps of Engineers has signed off on a long-awaited report that will allow Congress to authorize a new reservoir project south of Lake Okeechobee in the upcoming Water Resources Development Act—what we refer to as the water bill. Many of us in Florida have been pushing the Army Corps and the Trump administration to approve this project for months and months.

Last week I was in the area of Lake Okeechobee visiting with folks affected by the algae blooms on the west coast over in Fort Myers on the Caloosahatchee River and on the east coast in Stuart on the St. Lucie River. They are facing a problem that seems to repeat itself almost every year.

The heat of summer and the excess nutrients in the water—put those together, and you get the algae blooms that suck the oxygen out of the river, making it a dead river because there is not enough oxygen in the water for the fish. There was a similarly bad algae bloom back in 2016, in 2013, and many times in years past.

The pollution in Lake Okeechobee created a toxic brew of a blue-green algae that blooms and that at one point this summer covered 90 percent of Lake Okeechobee. Because the lake has risen to a 14½-foot level, the Army Corps will most likely have to resume releasing water to the east in the St. Lucie and to the west in the Caloosahatchee because of the pressure on the dike around Lake Okeechobee. Thus, here we go again—more nutrient-laden water flowing into these waterways in the heat of summer, and then the algae blooms just keep going and going.

There is one of many projects that can help, which is definitely a step in the right direction. The reservoir project that the Army Corps approved today is so critical because once it is constructed, it will provide storage so that the Corps doesn't have to discharge as much water to the east and to the west. When you combine that with the fact that just last week, the Army Corps, through the White House budget office, let us know they have approved the funds to strengthen the dike and accelerate its construction—the combination of these kinds of things is going to help, so that the Army Corps of Engineers doesn't have to release that nutrient-rich water, which will cause the algae blooms.

This reservoir to the south of the lake will include water treatment features so that the water can be cleaned as well as stored before it is sent farther south in the long journey that Mother Nature intended—sending that water in a slow, gravity-drained, southward flow through the river of grass otherwise known as the Florida Everglades. Many of us were cheering the news today that this project will be ready for inclusion in the water bill, which the Senate will be taking up perhaps next week. It was interesting timing to get the Corps of Engineers' report so that we could get this project in as a part of the overall Everglades restoration project.

REMEMBERING NATHANIEL REED

Unfortunately, Mr. President, we received the very somber, sad news this afternoon that one of our great Everglades restoration advocates, Nathaniel Reed, has passed away. Nat Reed leaves behind a long legacy as an environmental champion.

Nat served as environmental adviser to Governor Claude Kirk beginning in 1967. In 1971, he became Assistant Secretary of the Interior for Fish, Wildlife and National Parks under President Nixon and stayed in that position through the Gerald Ford Presidency. Nat returned to Florida in 1977 and continued his career in public service by working under seven different Governors in various capacities, including

chairman of the Commission on Florida's Environmental Future, which was instrumental in the land acquisition projects that we now know as Everglades restoration. He also served as a board member for the National Audubon Society, the Nature Conservancy, the National Parks Conservation Association, and the Natural Resources Defense Council, as well as the National Geographic Society.

One of Nat Reed's most passionate projects was to expedite construction of this reservoir south of Lake Okeechobee—the project the Army Corps approved today. I had spoken to Nat numerous times about this important project and about our shared goal of restoring the Everglades.

We have lost a real environmental champion who was bipartisan in his approach. I mentioned that he served seven Governors. It didn't make any difference whether the Governor was a Republican or a Democrat—Nat was about restoring as much of Mother Nature as possible back to its functioning self.

Mr. President, I ask unanimous consent to have printed in the RECORD a column written by Nat in 2012 that lays out the history of the Everglades' environmental problems and how we can fix them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From TC Palm, Nov. 25, 2012]

NATHANIEL REED: DON'T BLAME THE ARMY CORPS OF ENGINEERS FOR OKEECHOBEE, EVERGLADES WOES

Until a few weeks ago, billions of gallons of polluted water was flowing into the St. Lucie River, the Indian River and the Caloosahatchee Estuary from Lake Okeechobee.

The environmental damage is massive. After four years of drought and no large releases of excess water from Lake Okeechobee, the near record rainy season again has quickly filled the lake. Every time there is a wet tropical storm or series of hurricanes such as those that hit Florida in 2004–05, the lake rapidly rises 3–4 feet within days, threatening the Hoover Dike and the communities south of the lake.

The Corps has no options. It must reduce the water level in Lake Okeechobee in case of a potential wet hurricane, common in even October like Hurricanes Wilma and Isaac.

Before we collectively blame the Corps for the incredible damage that is being inflicted on our once productive waters, especially the remarkable recovery of seagrasses and inland fisheries since the Okeechobee flood gates were last opened in 2010, we collectively need a short history lesson and then a firm guide on how to stop these all too frequent environmental outrages.

The great Everglades ecosystem has been brutalized by a number of thoughtless decisions.

The private construction of Tamiami Trail by the Collier family to open up Naples to east coast tourists in the 1915–20's formed a dike preventing natural water flow from the northern Everglades marshes into what have become Everglades National Park and the great fishery of Florida Bay.

Although there are gated discharge structures and culverts under Tamiami Trail, they allow a fraction of the excess rain water to flow south as the everglades system once functioned. Water is backed up throughout the Florida Everglades known as water conservation areas.

Overly high water is inundating the unique ''Tree Islands,'' a major feature of the everglades system which provides essential habitat for deer and other mammals indigenous to the Everglades during times of excessive rain water. The Tree Islands also are ''sacred sites'' for the Miccosukee Native Americans.

Before the 1928 great hurricane that destroyed the small dike that then surrounded much of Lake Okeechobee, small farming communities grew around the south side of the lake. Winter vegetables were the main crop, but thousands of acres were devoted to raising cattle on the lush grass that the muck fields provided. U.S. Sugar grew a total of 50,000-plus acres of sugar cane. Their main profit was made from the sale of some of the finest Brahma cattle raised in the world for warm weather cattle ranches in Cuba, Central America and South America. The King Ranch had a similar operation for their famous crossbred cattle.

The low dike failed during a 1926 hurricane, and once again in 1928, drowning 3,000 people. President Herbert Hoover requested the Congress to pass legislation authorizing the construction of a high dike around Lake Okeechobee.

When there were long, wet summer rain seasons and fall hurricanes in the 1940s, excess water flowed through the Everglades and even over Tamiami Trail into what is now the Everglades National Park. The Corps of Engineers studied the average size of Lake Okeechobee and designed a dike to surround it. The dike was made from local sand and gravel. The Corps then made a fateful engineering decision to cut off the natural flow-way from Lake Okeechobee to the downstream Everglades and dump it more ''efficiently'' to the east and west estuaries.

Perhaps the nearly 700,000 acres now known as the Everglades Agricultural Area of rich organic soils—the byproduct of centuries of dying marsh grasses—was the incentive, but this error in judgment has created a conflict that will continue until sufficient land is acquired to restore a flow-way from Lake Okeechobee to the northern Florida Everglades and is then allowed to flow south and under Tamiami Trail into Everglades National Park.

The decision by the power brokers to persuade the then-governor of Florida and the congressional delegation to dredge the Kissimmee River to allow drainage in the headwaters of Lake Okeechobee was an ecological disaster. Thousands of acres of wetlands that served as storage for Lake Okeechobee and slowed down rain-driven floods moving south into the Kissimmee chain of lakes allowed developers to sell real estate around those lakes, guaranteeing an unnatural low water level. The Kissimmee chain of lakes during high rainfall periods used to hold billions of gallons of water that was slowly released down the Kissimmee into Lake Okeechobee naturally. The wetland marshes flanking the Kissimmee's two-mile-wide flood plain were wildlife treasures that were drained and turned into cattle pastures when the project was completed. Excessive rainwater then flowed at unnatural speed into the lake, raising it to dangerous levels and carrying a pollution-filled muck that now covers half the lake's bottom.

The Caloosahatchee River first was connected to Lake Okeechobee by Hamilton Disston, one of Florida's pioneer speculators who envisioned steamboats moving up from Ft. Myers and then the Kissimmee River to pick up winter crops and bring their loads back to Ft. Myers for shipment north.

After about 10 years, the St. Lucie Canal was completed in 1926 to provide easy access from the lake to Stuart, where ships would carry vegetables and fruit to the upper east coast and provide access for the east to the west coast for pleasure boats.

It did not take any length of time for the Corps to realize that an overflowing Lake Okeechobee threatened the ''suspect construction'' of the Hoover Dike and that the two outlets—the St. Lucie Canal and the Caloosahatchee River—would serve as escape valves whenever there was excessive rainfall and a rising lake that could threaten the integrity of the Hoover Dike, especially on the south side, where farming communities had grown in size. With the connection to the Everglades now severed, the present day colonel of the Corps of Engineers and his staff have no options other than releasing billions of gallons of water that is polluted from years of agricultural back-pumping from the Everglades Agricultural Area and now large amounts of nutrients flowing down the Kissimmee and the other headwaters of the lake.

During his tenure, Gov. Bob Graham announced in the early 1980s a major effort to restore the Everglades system. Each successive governor has made a contribution toward that goal. The state has spent $1.8 billion acquiring land to clean up the excess water flowing from the 500,000 acres of sugar cane—a crop that enjoys a federal taxpayer guaranteed price. The amount of cane sugar that is permitted to be imported into the United States is controlled by the sugar cartel to guarantee them maximum profit. Their leadership is unrelenting in its efforts to produce maximum profits at the Everglades' expense.

Unless excessive Lake Okeechobee water is cleansed through a vast series of pollution-control artificial marsh systems built principally by the taxpayers of the 16 counties of South Florida for the sugar cane and winter crop growers, drainage cannot be allowed to flow into the Everglades, as it will change the botanical makeup of the River of Grass within months.

So where are we?

Before the flow way and the pollution control marshes are built and are operational, additional storage—both upstream in the lake's headwaters and within the Everglades Agricultural Area—must be acquired, and a number of other priorities must be addressed.

First, Tamiami Trail must be modified to allow massive amounts of water to flow southward into the park. A one-mile bridge and limited road raising are currently under construction. While this is a very positive first step, more needs to done! The trail needs more bridges and road raising (up to another 2 feet) so that it is protected when the Everglades and the lake are once again connected.

Additionally, the southeast corner of the vast Everglades system known as Water Conservation Area 3B has a vital role in delivering Okeechobee and Florida Everglades' excess water to flow under the proposed five-mile bridge. The Corps admits that when the eastern dike of Water Conservation Area 3B was constructed, it did not consider leakage to be a potential problem, as no one farmed or lived near the dike. Now, there are hundreds of acres of fruit trees and thousands of homes that could be impacted if the dike allowed significant seepage.

This problem must be solved before excess water can be released into Everglades National Park, relieving the entire system of too much water which forces the discharges of billions of gallons of water down the Caloosahatchee and St. Lucie rivers.

We also have some local problems that must be faced with private drainage systems

that drain millions of gallons of excess water into the St. Lucie River. Canals C–23, 24 and 25 were built at the urging of the Martin and St. Lucie County citrus growers and developers, who wanted their lands drained at public expense. Together with the C–44 and the St. Lucie Canal, more than 498,000 acres drain through canals into the estuary and lagoon.

These decisions have all combined to seriously add damaging amounts of polluted runoff into the St. Lucie and Indian rivers. There are plans to complete a pair of reservoirs? one on the St Lucie, the other on the Caloosahatchee? to capture local runoff, hold it and clean it before slowly releasing it to flow into the two estuaries.

What is the hope for the two rivers that are being used as drainage escape routes?

The federal and state governments must pay for the cost of modifications of the eastern dike of Water Conservation 3B to prevent seepage.

The Federal government should use fuel tax revenue to raise Tamiami Trail and build additional bridges to allow water to flow into ENP.

The state of Florida must acquire significant amounts of additional land both north and south of the lake or, at minimum, enforceable easements to contain excessive water until it can be leaked slowly down to the lake from the north and south through a flow-way into the Everglades system.

The gross pollution of Lake Okeechobee must become a state priority. Recent phosphorus loads to Lake Okeechobee have been in the 500-ton range, more than three times the goal of 140 tons. Today, estimates are that so much phosphorus has already been spread in the watershed to keep these heavy loads coming for decades. Today, nutrients from the EAA are less than 5 percent of the total into Lake Okeechobee. More than 90 percent is from the northern Lake Okeechobee watersheds. The failure to control phosphorus runoff is shared by the Florida Department of Agriculture and the Department of Environmental Regulation.

Agricultural and water utility interests must accept the fact that Lake Okeechobee's level must be held below 16 feet and that 'back pumping' polluted water from the EAA even in times of drought must not be permitted. Lake Okeechobee cannot continue to be considered a sewer.

Additional lands within the vast EAA must be acquired by the state and the South Florida Water Management District to construct major additional storage capacity and pollution control marshes that will dramatically reduce the nutrients flowing off the sugar cane plantations into the Everglades system.

The sugar cane plantations should be forced to control and treat the thousands of gallons of polluted water on their land before they discharge it into the waters of the state. They should pay a far greater share for cleaning up their wastes for the needed additional pollution control marshes.

These are tall orders, but think for a moment before we continue to rail against the Corps' decision to lower Lake Okeechobee to protect the integrity of the Hoover Dike.

Everything on my ''must do'' list represents one week of the Afghanistan War expenses.

Everything on my wish list is obtainable.

Our congressional delegation has significant power in Congress. Our governor and Florida commissioner of agriculture are very persuasive with our legislature, even in times of recession.

Despite the need to reduce the incredible national deficit, don't you think manmade disasters like what is threatening our rivers and the Everglades ecosystem are worthy of national and state investments?

Mr. NELSON. Nat recommended focusing on projects like bridging the Tamiami Trail, which is U.S. 41—virtually a dike across the southern peninsula of Florida. It is now being bridged, first with a mile-long bridge, and now—under construction—with a 2½-mile bridge so the water can flow under the road into the water-starved Everglades National Park.

He recommended focusing on projects like restoring the Kissimmee River to its natural meandering state. Half a century ago, when all the emphasis was on flood control, getting the water off the land, they took this meandering stream called the Kissimmee River that cleansed the water as it oozed south in all of the marsh grasses, and what did they do? They dug a straight ditch. Nat was one of the leaders in advocating restoring the river to its natural meandering state so that by the time the water gets to Lake Okeechobee, it will have been cleaned up by natural processes.

Both of those projects—Tamiami Trail and the Kissimmee River—are now well underway, and we are already seeing the benefits to the environment and to the wildlife.

Nat also wrote about the importance of water storage and treatment projects both north and south of the lake—a refrain this Senator often repeats as well. That is why I not only respect and appreciate so much what Nat contributed to our country and to our State but also loved him as a friend. His untimely death today in an accident in Canada is a huge loss. Nat and I had been so focused on advancing this new reservoir project south of Lake Okeechobee. It saddens me so much to announce this good news at the same time that I announce the death of one of the Nation's true environmental champions. In the years to come, as we go about actually constructing that reservoir, it would be a fitting tribute to name that project in Nat Reed's honor. All we can do is try to continue his life's work protecting Florida's unique environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I spoke before the Fourth of July recess about two financial risks that are coming our way thanks to not getting anything done on climate change.

One, of course, is the risk to coastal properties—not something the Presiding Officer has to worry too much about given his home State but something that Rhode Island, the Ocean State, has to care a lot about and that the distinguished Senator from Florida and his constituents have to care a lot about.

There is a point where rising sea levels intrude on the saleability, the mortgageability, and the insurability of houses. None other than Freddie Mac, the huge Federal housing corporation, is predicting that there will be a coastal property meltdown.

The other risk is that of a carbon bubble. There is a lot of talk in the economic literature about a carbon bubble. One recent financial study reports that ''the potential effects of a carbon bubble on financial stability have been recently discussed in the academic literature and are increasingly on the agenda of [bank] regulators and supervisors.'' Indeed, in an official statement, the Bank of England has warned that ''investments in fossil fuels and related technologies . . . may take a huge hit.'' That huge hit is the other side of a carbon bubble: It pops, and you have a crash. So let's look at the prospects for not just a carbon bubble but a carbon crash.

There are several elements in the runup to a crash. Some of these we witnessed in the crash of the housing bubble back in 2008. When these conditions exist, we should take warning.

One condition is whether you can trust the players. In the housing crash, the rating agencies were in bed with the banks, and you couldn't trust their risk evaluations. The whole thing was cooked. The big fees the rating agencies were taking also took their eye off the ball, and they gave wildly erroneous ratings to high-risk investments. So at the heart of the 2018 housing crash was a failure of trustworthiness.

Can we trust the fossil fuel industry any better than those rating agencies? There is no reason to think so, and there is plenty of reason to think not. This is an industry that has been lying about fossil fuel's effect on our climate for decades, and once you get used to lying about one thing, it is hard to contain the spread of the rot. Exxon even once gave its CEO the infamous, phony Oregon Petition, which urged the United States to reject the Kyoto Protocol, to cite to shareholders at an annual meeting.

I have spoken before about what I consider to be the untrustworthiness of Exxon's response to the BlackRock shareholder resolution, which required Exxon to report the predicted effect of climate policies on Exxon's business model. As fossil fuels are priced out of the market by renewable energy and as nations enact carbon emissions restrictions, fossil fuel reserves now claimed as assets by energy companies may become undevelopable stranded assets.

In a nutshell, Exxon seems to have wildly—indeed, so wildly, you can only conclude deliberately—overestimated the adoption of carbon capture utilization and storage, wildly underestimated the adoption of electric vehicles, and wildly underestimated renewable energy growth, all to reach its rosy conclusions that its assets were more or less secure.

On the subject of trustworthiness, right now big oil companies are still being untrustworthy, telling the world they want a price on carbon, while at the same time telling their political fixers in Congress to kill any such thing. Who knows how much they push around their analysts and others who

are curious about a carbon bubble. What we know is that trusting this industry is asking a lot. That is condition one for a bubble in a crash—untrustworthy actors.

Condition two is market failure. Markets usually correct and have a smoothing effect. If there is market failure, markets can go off course until the correction comes, and then the correction is so immediate and so big that it amounts to a crash. There is market failure in fossil fuel that props up this bubble. Indeed, there are several. The biggest is that the fossil fuel industry rides on what the IMF calculates is a global multitrillion-dollar annual subsidy: $700 billion in subsidy every year in the United States alone, says the International Monetary Fund. That subsidy massively warps the operation of the market.

There is also what appears to be a methodological issue. The oil industry is ordinarily measured financially by net asset value analysis. As one paper noted, this is an ''industry valuation methodology [that] assumes full extraction of fossil fuel reserves.'' A methodology that assumes full extraction of fossil fuel reserves becomes a problem when the question is whether extraction of those reserves is even possible.

There is also what I would call a ''massiveness factor'' at work here. Lehman Brothers and Bear Stearns were so massive that it was hard to imagine them vanishing, but they did. The market value of fossil fuel reserves that can't be burned is around $20 trillion, according to the World Bank. That is such a big wipeout that it is hard to comprehend, let alone anticipate. People wait until tomorrow. Then, the tomorrows pile up into a bubble, and then the crash comes when the first person panics and everybody runs.

One other market failure is actually how the crooked political pressure of this industry is causing us not to focus on the 2-degree Celsius ceiling that scientists warn us about for global warming, or, actually, safer yet is the 1.5-degree Celsius ceiling, which burning existing reserves will blow us through. We cannot have both a safe planet and full extraction, and the fossil fuel industry is choosing extraction.

That political castle of climate denial will fall sooner or later. It is false. Not only is condition one met—untrustworthy players—but condition two is met: There is a massive, multiple market failure in fossil fuel awaiting correction, which brings us to condition three: The energy market is undermining fossil fuels as a technology.

We are reaching a tipping point. Here is Lazard's cost curve for onshore wind energy. It shows, over 8 years, a 67-percent decrease in cost. This line shows the cost of wind energy steadily declining from 2009 until 2017.

At the same time these wind costs were dramatically declining, utility-scale solar costs and rooftop solar costs also declined dramatically. This line represents rooftop solar costs. This line below it represents utility-scale solar costs. Again, there was a percentage decrease of 86 percent.

New solar and wind energy projects are already becoming more economical than existing coal plants, as we just saw in Colorado. New solar and wind projects now compete on price with new natural gas plants, as a recent auction in Arizona showed.

The cost trajectory for renewables continues steeply downward. When you compare U.S. wind and solar to other energy sources, you see the trend is clear, and here is the result. On cost, the lowest cost providers are onshore wind and utility-scale solar. More expensive than them is natural gas. More expensive is coal. More expensive still is nuclear. That is not counting the subsidy. That is apparent price.

This same trend is also happening globally. This graphic is prepared by the World Economic Forum, and it shows the same thing for renewables. In particular, here is the rapidly declining cost of solar photovoltaic. Here is the cost of coal, and here, right now, they cross over. We are at the tipping point, where it is cheaper worldwide to develop solar and wind than it is to burn coal.

Stanford economist Tony Seba studies economic disruptions, and he likes to see these two photographs. It will be hard to see from where you are. This is Fifth Avenue in New York City in 1900. If you look at the photograph, you can see that every vehicle there is drawn by a horse. In 1900, every vehicle was drawn by a horse. If you look very closely, it appears there is one leading-edge, non-horse-drawn vehicle. The whole street is filled with horse-drawn carriages and wagons in 1900. Thirteen years later, on Fifth Avenue in New York City, every single vehicle in that street is now an automobile. In only 13 years, there was a complete transition in transportation. If you were a harness maker, this was a tough transition for you. In just 13 years, the world changed, illustrating the point that major economic disruptions can take place fast. Think land lines and cell phones, if you want a modern example.

People still ride horses, and they probably always will, but our transportation sector shifted rapidly from horse-drawn conveyance to automobiles because horse-drawn conveyance was an antiquated technology that got left behind. People still have landlines. I have one at home. We hardly ever use it. The communications industry shifted rapidly, as antiquated landline technology got left behind.

As the energy market shifts to cleaner, cheaper, more efficient renewable technologies, fossil fuels soon will not compete in the marketplace. There is our third condition: not just untrustworthy players, not just market distortion, but also a technological tipping point making the fossil fuel technology obsolete.

There is a fourth condition. This fourth condition basically puts an accelerator on condition three in certain sectors of the energy market. Condition four is based on the fact that the marginal cost of production of a unit of fossil fuel energy varies considerably. Some fuels are low cost and high cost to produce. Some geographical locations are low cost and high cost locations. In this variance, coal is pretty much dead already at the hands of oil and gas, purely because of cost. We can set coal aside for a moment.

In the world's oil markets, much of this cost of production variant is masked right now by energy cartels that prop up the price of oil. Cartel behavior to prop up the price of your product makes economic sense if you can maintain monopoly pressure to prop up the price, but it also only makes sense for the cartel participants if you can anticipate that you can sell your product out into the future. You hold back your output to drive up price and to maximize your return in the hopes that in the future you will be able to keep doing the same thing and you will be able to sell your product.

If you are not sure that there will be another day to sell your product at the propped-up price, you start to get anxious about your product becoming stranded and about your product becoming valueless. At that point, it doesn't make sense to engage in cartel behavior. What makes sense is to maximize your output and to sell as much as you can while your commodity still has value—basically, to have a fire sale.

Low-cost fossil fuel energy producers would be rational to drop their prices and maximize their market-share, fire-sale pricing while their fossil fuel still has value. Get the dammed stuff out the door while you still can. That behavior—dropping the cost, pricing at your marginal cost of production, and selling as much of your product as you can—will fend off the inevitable for low-cost producers for a while. However, for those producers that can't match that fire-sale price, the downward trajectory of their crash steepens catastrophically. As soon as you can't produce not at the cartel price but at the lowered fire-sale price—as soon as you cannot meet that price—you are out of business. There still is a fossil fuel market. You are just not in it. The bad news for the United States is that this is where much of our market is. Economists looking at this carbon bubble mess warn that high-cost regions like the United States could ''lose almost their entire oil and gas industry.'' Let me quote that again: ''lose almost their entire oil and gas industry.''

To recap about a fossil fuel ''carbon bubble,'' the players aren't trustworthy; the fossil fuel markets aren't efficient in the economic sense; fossil fuels as a technology are now tipping into being obsolete, priced out by renewables; and our U.S. industry is particularly vulnerable to an accelerated market meltdown when the tide shifts.

Those four conditions don't make a great scenario. That is a warning we need to start considering. What should we do?

Everyone seems to agree on two safety measures. First, there is one sensible hedge: Don't invest all in fossil fuel. Invest more in renewables. Be on the winning side of the shift. Start making carburetors, not just a mule harness. There is also one important, sensible economic strategy; that is, to manage the transition.

As one paper on this subject concluded, ''The issue of concern is the lack of any transitional strategy. . . . Inadequate, conflicting or slow responses to climate change in investment and finance can entail risks that could be avoided under a more orderly transition.''

You could equate it to jumping out of an airplane. You are going to end up on the ground anyway. Wouldn't you like a parachute to make it a gentler and more survivable voyage? What is the parachute but a transition plan for managing this shift? The best one is a price on carbon.

This takes us back to the discreditable conduct of the fossil fuel industry, which, far from leading through this transition, far from trying to build itself a parachute, is busily still trying to deny that there is any such transition, including, in my view, their falsely reporting to shareholders that this is all going to be OK, and we are going to be able to extract and sell all of our reserves. This is an industry that is still fighting like a wounded bear to prevent anyone from organizing the orderly transition they need.

At some point, there has to be a grownup in the room. The fossil fuel industry has shown no capacity for that role, which makes it up to us in Congress to help America prepare for both the predicted crash in coastal property values, as sea level begins to enter the mortgage and insurance horizon for those properties, and the predicted carbon bubble we see coming and that economists write about coming that we can manage our way through if we are responsible. In that regard, it is time for us to wake up.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINAION OF BRETT KAVANAUGH

Ms. HIRONO. Mr. President, there was a time when Blacks and Whites couldn't get married or go to the same school. The Supreme Court changed that. There was a time when gay people could be arrested for loving one another and when it was illegal for them to get married. The Supreme Court changed that. There was a time when thousands of women died from having illegal, unsafe abortions. The Supreme Court changed that.

The Justices on the Supreme Court matter to each and every one of our lives. That is why there is so much concern over President Trump's nominee to fill the vacancy on the Supreme Court—Judge Brett Kavanaugh.

Rightwing groups, like the Heritage Foundation and the Federalist Society, have been working for decades to set the stage to pack our Federal courts with ideologically driven conservatives. They have invested millions of dollars and decades of time in this effort. These two organizations have played the primary role in vetting and selecting Donald Trump's nominees to the Supreme Court. By including Judge Kavanaugh on their list of potential nominees, these two organizations certainly expect that he will reflect their own ideological perspectives, which include overturning Roe v. Wade and repealing the Affordable Care Act, the ACA. They certainly expected Neil Gorsuch—another name on their list—to do the same when he got on the Supreme Court. In the short time he has been on the Court, Justice Gorsuch has not disappointed them.

Is it any wonder that millions of people across the country are raising concerns over the nomination of yet another nominee on the Federalist Society and Heritage Foundation's wish list? Isn't it reasonable to conclude that Judge Kavanaugh will also reflect the ideological agendas of these organizations?

This is why Judge Kavanaugh does not deserve the benefit of the doubt. He has the exceptionally high burden of proof to assure the American people he can be fair and objective. The Senate has a constitutional obligation that is equal to the President's to vet a President's nominee to the Supreme Court and fulfill its advice and consent obligation responsibilities. I take this responsibility seriously because a fight for the future of the Supreme Court will have ramifications for so many issues that we care about.

Our Federal courts have been at the center of the Republican Party's strategy to dismantle, gut, and weaken the Affordable Care Act, the ACA, since it was passed over 8 years ago. The Supreme Court narrowly upheld the constitutionality of the ACA's core provisions in 2012. The ACA provides affordable, accessible health insurance to millions of people in our country who would otherwise not have such insurance. But the Republican Party's effort to sabotage this critically important law through the courts continues unabated.

Right now, Texas and 19 other States have a lawsuit pending in Federal court that claims, among other things, that the Affordable Care Act's protections for Americans living with preexisting conditions—illnesses such as diabetes, asthma, and cancer—are invalid. The Trump administration filed a brief supporting Texas in its attack on the ACA's protections for millions of people in our country with preexisting conditions. This case will likely end up before the Supreme Court. If Texas wins its lawsuit, the healthcare of millions of Americans will be at stake—meaning one in four Americans could either lose their health coverage or pay exponentially more for healthcare.

The outcome of this case is personal to millions of Americans and their families, and it is certainly personal to me. A little over 1 year ago, I was diagnosed with kidney cancer. I was fortunate. I have health insurance that allows me to focus on fighting my illness rather than worrying about how I will pay for my treatment. I now join the millions of Americans living with a preexisting condition—illnesses that don't discriminate on the basis of age, gender, or political ideology.

As this case makes its way to the Supreme Court, the American people should not forget that Donald Trump and this administration have been openly hostile to the ACA, a law that has helped millions of people. In fact, the President has openly bragged about all the things he has done to gut the ACA. Does the President expect his nominee, Judge Kavanaugh, to protect the ACA? I don't think so—quite the opposite.

The next Supreme Court Justice will also play a determining role in the future of a woman's right to make her own reproductive health decisions. I remember vividly the stories of women dying in America, unable to access safe, legal abortions. The fight for reproductive freedom, prompted by these stories, was one of the reasons I got involved in politics.

When I was in college, the first letter I ever wrote to Hawaii's congressional delegation was about abortion at a time when our State legislature was debating whether to legalize abortion. Hawaii became the first State in the country to do so. Those of us who lived in a time before Roe v. Wade, when a woman was forced to have a child against her will, are deeply concerned about the future of a woman's right to have an abortion, to have that freedom of choice.

Throughout his campaign for the Presidency, Donald Trump repeatedly promised to appoint Justices to the Supreme Court who would favor overturning the core holding in Roe v. Wade. The Heritage Foundation and Federalist Society share this goal, and it is not a stretch to assume that the names they included on their Supreme Court wish list hold the same views.

Judge Kavanaugh's record on this issue is deeply troubling and of significant concern. Last year, Judge Kavanaugh issued a dissent in a case that granted a 17-year-old immigrant in the custody of the Department of Health and Human Services, HHS, the right to get an abortion. Kavanaugh argued in his dissent that holding the

young woman in custody, refusing to release her for a medical appointment for a procedure until HHS was able to find her a sponsor who would serve as a foster parent, was not an undue burden under the Supreme Court's legal test.

He did not consider holding someone in government custody to be an undue burden. This is the view of someone who will not follow the law as it is currently set forth by the Supreme Court if confronted with challenges to Roe. Let us remember, it is the Supreme Court that sets precedent, and that can happen if Judge Kavanaugh is on the Court. Really, his dissent in this case is a view of someone chosen for a reason, ready to fulfill Donald Trump's campaign promise to see Roe v. Wade overturned.

This fight matters. Who sits on our courts matters. How we exercise our constitutional duty to examine a nominee for the highest Court in our land matters. Just as well-financed conservative interests have spent decades setting the stage for the court packing going on today, those of us who oppose this agenda need to mobilize, resist, and stay engaged for the long haul in the fight for a fair and independent judiciary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DEPARTMENT OF DEFENSE OVERSIGHT

Mr. GRASSLEY. Mr. President, I come to the floor today to discuss the continuing need for addressing hard-hitting oversight of the Department of Defense. That need for oversight is as great today as it ever was. Waste is alive and very well at the Pentagon.

I have a poster, a blowup of a cartoon published in the Washington Post in 1985, during my early years in the U.S. Senate. It shows Ernie Fitzgerald, a famous whistleblower, confronting what are quite obviously his chief adversaries, the big spenders at the Pentagon.

As a senior Air Force official, Ernie Fitzgerald committed a crime. He says he ''committed truth.'' Ernie Fitzgerald is famous for, in 1968, exposing a $2.3 billion cost overrun on the C–5 aircraft program. In those days, having a senior Pentagon official like Ernie Fitzgerald speak the truth about a cost overrun on a high visibility program was unheard of. In fact, it was dangerous. It was so dangerous that it cost Ernie Fitzgerald his job. That is why I like to call Ernie Fitzgerald the father of whistleblowers.

The cartoon also depicts the infamous $640 toilet seat that made history back in those days as one example of the terrible waste at the Defense Department. That happened in 1985, when I, as a first-term Senator, began watchdogging the Pentagon. After a report uncovered a $640 toilet seat and a $400 hammer, I began asking very tough questions, such as: How could the bureaucrats possibly justify paying such exorbitant prices? I am still waiting for a straight answer.

A lot has changed since the 1980s. The internet, which was in its infancy in the 1980s, is now a part of everyday life. Mobile phones back then were once the size of bricks. Now those mobile phones can fit in the palm of your hand and do a lot more work than just making telephone calls. But one thing hasn't changed in all those decades—wasteful Department of Defense procurement practices.

Since I began my work on this issue, there have been 6 Presidents and 12 Secretaries of Defense, yet the problem of wasteful spending at the Defense Department keeps going on. Since those earliest revelations, there has been a steady flow of new reports on spare part rip-offs. No political party is immune from these horror stories.

During the administration of George H.W. Bush, oversight efforts uncovered soap dishes that cost $117 and pliers that cost nearly $1,000. In some cases the Department of Defense admitted that some high prices didn't pass the smell test.

True, better deals were negotiated. People tried to make some changes, but to offset losses on lower prices, the contractors jacked up overhead and management charges, making the overall contract price the same.

Exercising oversight on these contracts is like working with a balloon. You know the famous balloon—when you squeeze it in one place, the problem pops out someplace else.

Under President Bill Clinton, a report by the Government Accountability Office—we know it here as the GAO—revealed that one defense contractor paid its top executives more than $33 million a year, an amount that was reimbursed by the Federal Government as part of a contract.

I happen to agree that a company has a right to pay its executives whatever it wants; however, when the government enters into cost-reimbursement contracts, those contracts in which the government directly repays the company for costs incurred instead of paying a fixed price, the contractor loses incentive to control costs, and top executives draw sky-high salaries at the taxpayers' expense.

I introduced an amendment in the 1997 Defense authorization bill to curb executive compensation billed directly to the taxpayers, but as you might expect, with the respect the Defense Department has in this body, that amendment was voted down.

During the Bush administration in the early 2000s, I worked with the GAO to expose abuse of government charge cards by Defense Department employees. We found some truly egregious expenditures—for examples, over $20,000 at a jewelry store, over $34,000 on gambling, and over $70,000 on tickets to sporting events and Broadway shows. In some cases, employees who spent thousands of taxpayer dollars on personal expenses—way beyond anything that was an ordinary business expense—were not only not asked to repay the money to the taxpayers but oddly were promoted and even issued new charge cards. Instead of being held accountable, it is quite obvious they were rewarded for their illegal activity.

During the Presidency of President Obama, I pressed the Pentagon to answer for a $43 million gas station built in Afghanistan. This project was revealed as part of an audit conducted by the Special Inspector General for Afghan Reconstruction. When I pressed for answers, the Defense Department responded by saying that the direct cost was actually only $5 million, but the number didn't include the massive overhead costs charged to the project, which pushed the overall price tag up to that $43 million. Anybody anywhere else—outside the beltway—knows that doesn't meet the smell test, and that is not even a commonsense answer to my overall question. How did we waste $43 million there?

Even more alarming is what happened to the rest of the $800 million provided for other business development projects in our efforts to help Afghanistan recover. Auditors could only find documentation to support about half of the money spent, leaving about $400 million unaccounted for. This kind of sloppy bookkeeping means we may never know how the rest of the money was spent. Was it used for unauthorized purposes or pocketed by crooked people? We will probably never know.

Now, under the Presidency of Donald Trump, over 30 years since all this started with me, the overpriced airborne toilet seat has really gained altitude. Instead of the $640 that this cost, the new pricetag was reported by the Air Force to be $10,000, and that happens to be only for the lid of the toilet stool. Any American can tell you that $10,000 for a toilet seat cover is ridiculous. Americans work too hard to see their precious tax dollars flushed down the toilet.

I asked the Department of Defense for confirmation that the seats cost $10,000. They still haven't answered my letter, but after my inquiry, the Department of Defense has changed their story. They clarified to the media that they are now 3D printing the toilet seat lids for much less, but they never answered my questions. We don't know how many seat covers were purchased at the $10,000 pricetag; we don't know when they moved to 3D printing instead of purchasing; and we still don't have documentation or official confirmation on the true price of toilet seat lids.

Even if the issue of the toilet seat has been sorted out, it is clear the Department of Defense still does not have a grip on spending. OIG reports have revealed that the Pentagon frequently overpays for simple parts and does not perform adequate cost analysis.

One of the primary culprits for continuing waste and misuse of tax dollars is the Department of Defense's noncompliance with the congressional

mandate to pass an audit. The Department of Defense has a very bad record. It is impossible to know how much things cost or what is being bought when nobody is keeping good track of the money being shoveled out the door.

For nearly 30 years, we have been pushing the Pentagon to earn a clean opinion on any of their audits. Way back in 1990, Congress passed the Chief Financial Officers Act, which required all departments of the government to present a financial statement to an inspector general for audit by March 1992. All departments have complied and earned clean opinions except one and that is the Department of Defense. Instead of clean opinions, the Department of Defense has earned a long string of failing opinions called disclaimers. It boils down to the fact that the books at the Department of Defense are unauditable.

In 2010, 20 years after that 1990 congressional action, Congress finally got fed up and passed a new law requiring the Pentagon to be ready for audit by September 2017. The Department was given 7 long years to get its act together and to meet the same requirements as every other Federal agency entrusted with public money. Obviously, that deadline has come and gone like other deadlines have come and gone. According to the Comptroller and Chief Financial Officer, Mr. David Norquist, a clean audit is still at least 10 years away. That is 10 years of not being able to follow the money. If you can't follow the money, you don't know whether it is spent legally.

There is a longstanding, underlying problem preventing the Pentagon from reaching the goal of a clean audit. This is the so-called feeder system. I will not describe a feeder system, but feeder systems are supposed to capture transaction data, but those feeder systems are broken. Auditors cannot connect the dots between contracts and payments. You can't follow the money because there is no reliable transaction data and little or no supporting documentation. You tend to spend money without knowing what you even bought. The Pentagon will never earn a clean opinion until those accounting systems are able to produce reliable financial data that meet accepted standards.

Over the last 25 years, the Department of Defense has spent billions trying to fix these outdated accounting systems but with no success. How is it that the very mighty Pentagon can develop the most advanced weapons in the world but can't seem to acquire something as simple as an accounting system? We need to get to the bottom of this problem and fix it.

I am working with my colleagues on the Budget Committee to get the Government Accountability Office to conduct an independent review of the Pentagon's effort to acquire modern accounting systems. What is the problem? That is what we are trying to find out. Should the Defense Department keep trying to fix the antiquated feeder systems or is it time to develop new, fully integrated systems that can deliver reliable financial information? We need and we want some answers.

The Department of Defense is currently attempting to conduct a full financial audit. Secretary Mattis has directed all employees to support the audit, and the results are expected in November. Although the new Chief Financial Officer appears to be making a good-faith effort to get a handle on the problem, he also happens to be spending hundreds of millions of dollars a year for audits with a zero probability of success. It could be very wasteful spending that kind of money if they don't have a feeder system in place.

The first priority of our Federal Government remains and ought to be national security. We must ensure that our military forces remain strong enough to deter any potential aggressor and, as a result, preserve the peace.

The men and women on the frontlines deserve fair compensation and the best weapons and equipment money can buy. We want to field the most capable military force in the world. Because national defense is so very important, congressional watchdogging of defense spending is very essential. We don't want one single dollar to be wasted—not even a penny.

Until the Defense Department is able to earn a clean opinion on a very regular basis, we have no assurance that Defense dollars are being spent wisely and, most importantly, according to law. Report after report shows that precious Defense dollars are being wasted, misused, and unaccounted for. Reforms have been made, but very clearly the war on waste has not been won. Much more work needs to be done.

From my oversight post in the Senate, I will continue to apply pressure on the Pentagon to step up the war on waste. I don't expect much help from the inspector general. Mr. Fine seems to be AWOL on waste. I raised the issue of the $10,000 toilet seat cover with him over a month ago and still haven't received an answer. His office found the time to update the media about the toilet seat cover. Yet my letter has gone unanswered.

However, after revelations about the $43 million gas station, Secretary Mattis's reaction was sweet music to my ears. He issued an all-hands memo. In that memo, he stated flatout: I will not tolerate that kind of waste. Known for being a man of your word, Secretary Mattis, I am counting on you for your help. Maybe together we can wipe out the culture of indifference toward the American people's money by the Pentagon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SEPARATION

Ms. CORTEZ MASTO. Mr. President, I want to share with my colleagues and the American people what I witnessed on a visit to a couple of immigration detention facilities on our southern border and the stories of the people, children, and infants being held there.

On a visit to an adult detention facility, I sat down with a group of six mothers whose children had been taken from them. One of them, Anna, had a 5-year-old daughter she brought with her to the United States. After witnessing a brutal murder in her neighborhood and receiving death threats in her home country, she decided to leave that country to keep her 5-year-old daughter safe.

She traveled 3,000 miles to get to our southern border, and when she finally arrived, she thought: I am safe. I made it. I am going to tell them who I am and why I am here because I know I finally made it to safety.

She flagged down Customs and Border Patrol agents thinking that they would help her, but when she did, CBP officials arrested her. They took her into custody, and then they separated her from her daughter. Anna's daughter was put on a bus and driven hundreds of miles away.

As Anna was telling this story to me, every single one of the mothers began to cry. Anna told me this was the first time she had ever been separated from her 5-year-old daughter, and she had no idea—no idea—where her daughter was and what they were doing with her. All of the women, as Anna was telling me the story, had experienced the same thing.

Each one of the women I spoke with had children under the age of 12 who were taken away from them. Their stories were the same. They had all faced horrific gang violence and abuse in their home country and fled to protect their families. They had been raped and tortured. They saw loved ones killed before their very eyes.

Another one of the women I spoke with, Griselda, explained that in her community, the gangs expect extortion payments every week from business owners, such as herself, and if you can't pay, they come to your house and kidnap or rape or kill your children.

One day, gang members came and started threatening her son. She knew in that moment she had two options: stay and watch her son die or pack up her children and run.

I asked the group of women: Why didn't you go to the police for help? They explained to me that the police in their country are just as corrupt as the gangs. In their country, there is no rule of law. There are no protections. If you want to save your children's lives, your only option is to run, and that is what these women did.

They came to the United States expecting to find freedom and protection, but instead they were thrown in jail, and their children were loaded on buses and driven away. These parents want to now know, where are their children?

When they asked me, I told them I didn't have the information they needed, and that I, too, was asking the same questions, but I promised them I would take their stories back with me to Washington, DC, and share them with the American people.

Because of President Trump's inhumane family separation policy, we have almost 3,000 children separated from their parents. Their moms and dads just want to have their children back in their arms.

Just recently, Secretary Azar testified that there is no reason why any parent would not know where their child is located. Well, that is absolutely false. I spoke with 10 mothers and fathers who have no clue where their children are. They look at me with tears running down their faces. They pleaded with me to help them find their children.

This administration gave no thought to the damage inflicted on these families, and they clearly had no plan for how they would reunite them.

We have three different entities working to reunify these families. Two are under the umbrella of the Department of Homeland Security, U.S. Customs and Border Protection and Immigration and Customs Enforcement, and one under the Department of Health and Human Services, the Office of Refugee Resettlement, but none of them are working together. As a result, the Trump administration has missed its court-ordered deadline to reunite young children under 5 with their parents.

There are 102 children under 5 years old waiting to be reunited with their families, but as far as we know, only 4 families have been united.

The Trump administration has been ordered to reunite up to 3,000 children with their parents by July 26, but they are on track to miss that deadline too.

In the midst of all of this, HHS officials discovered they have been holding a toddler, who may be a U.S. citizen, in detention for over a year. How could that be possible? How could the reunification process be so erratic, inefficient, and slow?

This administration has been making excuses left and right, trying to pin the blame on anyone but themselves. They have suggested that the reunification process is slow because too many Members of Congress are taking tours of these detention facilities. I couldn't help but laugh when I heard that because I can guarantee you, I was not taking a tour when I tried to enter a children's detention facility, and they locked me out. They would not let me in. I was not allowed in to check on the condition of these children or even to talk to anyone in charge about how they were taking care of children, toddlers, and infants—kids under the age of 12 who have been separated from their parents, many for the first time.

I was there to find out how taxpayer money was being spent and how the kids were being treated, but the facilities manager locked the door and gave me the number for a communications director to call to seek assistance. With a handful of exceptions, most of my colleagues have also been turned away.

The Trump administration is also saying they are having trouble locating some of the parents. Part of the problem is, at least 12 of the parents with children under 5 years old have already been deported. Can you imagine that? Babies who can't even speak have no clue where their moms and dads went, and they might never know.

The Trump administration can't pin the blame for this on Congress, Democrats, or anyone else. They are missing the deadline for one reason and one reason only: because they never made a plan to reunite these families. They never intended to.

They didn't have a plan 2 weeks ago, when I went down to the border, and they don't have one now. They created this chaos with no plan to put the broken pieces back together.

They had to start from scratch trying to locate parents and children detained across the country, and now we are hearing heartbreaking stories of reunification—toddlers who do not recognize their mothers anymore. The physiological trauma this administration has inflicted on these children will last a lifetime.

So, today, I am calling on President Trump to finally do his job and provide us with a concrete plan. I want to see results, and I will not stop fighting until every child has been reunited with their parents. Stop making excuses. Stop blaming Democrats for the crisis you created, President Trump.

The other thing I keep hearing from this administration and from President Trump's allies is, the Democrats want open borders. This is not about open borders. I support strong, secure borders. I have spent my career fighting to uphold the law as the attorney general of the State of Nevada for 8 years, fighting to secure our borders. It is not about secure borders. We need a plan to reunite these families because this is about our values. This is about human rights. This is about who we are as a country, and separating families is not who we are. We do not tear babies out of their mothers' arms.

We have always—always—had a guiding principle when it comes to children: We do no harm. Whether they are Honduran children, Guatemalan children, Salvadoran children, or American children, we do no harm.

I call on President Trump, abandon your inhumane, zero tolerance immigration policy; abandon the heartless decision to separate families.

We should be looking for humane, cost-effective alternatives to detention for families fleeing violence. We don't need the Department of Defense to build internment camps for babies, toddlers, and kids.

Locking up families who are seeking asylum under the laws we have put in place to protect them will be a moral stain on our country for generations to come.

President Trump, the American people demand that you explain how you plan to reunite these families you have scarred forever and whom you ripped apart. Work with Democrats to solve the refugee crisis in Central America. Don't treat innocent parents and children as political pawns. Don't turn your back on everything this country stands for.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING ROGER L. SHERMAN

Mrs. CAPITO. Mr. President, I wish to acknowledge the loss of one of West Virginia's brightest and recognize the life of a dedicated advocate, educator, veteran, and good man: Roger L. Sherman.

Throughout his life, Roger was known for his dedication to responsible forestry and the people of rural West Virginia. From championing economic development to advancing graduate-level education, Roger made significant contributions in the areas of public advocacy, education, and community service that benefit West Virginians to this day. Above all, Roger was highly regarded as a man of conscience, whose integrity pervaded every aspect of his life and work.

A veteran, Roger served in the U.S. Army for 3 years until 1969. He graduated from North Carolina State University with a bachelor's of science in forestry and went on to obtain a master's degree in forestry from Yale University. He joined Westvaco as public affairs forester in 1977, and from there, embarked on a more than 40-year career advancing the interests of private landowners in West Virginia. During this time, he served as volunteer chair of the legislative committee of the West Virginia Forestry Association, WVFA, a position he held for 38 years. He also received numerous awards and recognitions, including the Outstanding Service to Forestry Award